

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3517

IN THE MATTER OF:

Served June 11, 1990

Application of WILLIAM C. DYE)
Trading as W&D TRANSPORTATION for)
Temporary Authority to Conduct)
Charter Operations for the Account)
of D.C. CHARTERED HEALTH PLAN, INC.)

Case No. AP-90-14

By application filed April 30, 1990, William C. Dye trading as W&D Transportation (Mr. Dye or applicant) seeks temporary authority to transport passengers in charter operations between health care facilities in Washington, DC, on the one hand, and, on the other, points in Washington, DC, restricted to the account of D.C. Chartered Health Plan, Inc. (Chartered), and further restricted to transportation in vehicles having a manufacturer's designed seating capacity of 15 passengers or less (including the driver).

Order No. 3495, served May 2, 1990, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3495 served as publication of notice and directed that protests, if any, be filed in accordance with Commission Rule No. 14 no later than Friday, May 11, 1990. No protests to the application were received. The order also directed that applicant file a recent statement of net worth. In response to the order, applicant filed a revised statement of financial condition reflecting ownership of fully-depreciated vehicles.

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may, in its discretion, grant an application for temporary authority, without hearings or other proceedings, if it finds that there is an immediate and urgent need for the service proposed by the application and that no other carrier service is capable of meeting that need. Fitness of the applicant is also required. See Application of Suburban Transit Company for Temporary Authority to Serve the Capital Centre, Order No. 1643, served January 24, 1977; Application of American Coach Lines, Inc., for Declaratory Order or, in the Alternative, Temporary Authority to Conduct Charter Operations Between Points in the Metropolitan District, Order No. 2738, served July 22, 1985. See also Order Nos. 2440, 2448, 2864, and 3221, served July 22, 1983; August 10, 1983; May 23, 1986; and August 23, 1988, respectively.

Inasmuch as no duly authorized carrier protested this application, thereby indicating its ability and willingness to provide the service proposed by applicant, the Commission finds that no other carrier is capable of meeting the need for the proposed service

expressed by Chartered. It is further found, based on the evidence of record as described in Order No. 3495 and this order, that there is an immediate and urgent need for the service described in this application and that applicant is fit to provide that service.

THEREFORE, IT IS ORDERED:

1. That William C. Dye trading as W&D Transportation is hereby conditionally granted 180 days temporary authority, contingent upon timely compliance with the terms of this order, to transport passengers in charter operations between health care facilities in Washington, DC, on the one hand, and, on the other, points in Washington, DC, restricted to the account of D.C. Chartered Health Plan, Inc., and further restricted to transportation in vehicles having a manufacturer's designed seating capacity of 15 passengers or less (including the driver).


2. That William C. Dye trading as W&D Transportation is hereby directed no later than 30 days from the service date of this order to (a) identify his vehicles in accordance with Commission Regulation No. 67-03; (b) file an affidavit of compliance with Commission Regulation No. 67-03; (c) file two copies of his WMATC Temporary Authority Tariff No. AP-90-14; (d) file an equipment list stating make, model, seating capacity, serial number, vehicle number (if any), and license plate number (with jurisdiction) for all vehicles to be used in revenue operations; and (e) file evidence of ownership or lease(s), as appropriate, for all vehicles to be used in revenue operations.

3. That the Executive Director shall notify William C. Dye trading as W&D Transportation, in writing, upon his timely compliance with the requirements of this order, that he may commence operations pursuant to temporary authority.

4. That the temporary authority granted herein shall expire December 14, 1990, unless otherwise ordered by the Commission.

5. That unless William C. Dye trading as W&D Transportation complies with the requirements of this order within 30 days from date of service or such additional time as the Commission may direct or allow, the grant of authority contained herein shall be void, and this application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director